

**FILED**

MAY 13 2011

**Board of Vocational Nursing  
and Psychiatric Technicians**

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8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. PT-2009-244

12 **VINCENT ALCANTAR**  
13 **1224 W. Date Avenue**  
**Porterville, CA 93257**  
14 **Psychiatric Technician License No. PT**  
**29504**

**A C C U S A T I O N**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely  
20 in her official capacity as the Executive Officer of the Board of Vocational Nursing and  
21 Psychiatric Technicians ("Board"), Department of Consumer Affairs.

22 **Psychiatric Technician License**

23 2. On or about July 18, 1995, the Board issued Psychiatric Technician License Number  
24 PT 29504 to Vincent Alcantar ("Respondent"). The psychiatric technician license was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on August 31,  
26 2011, unless renewed.

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## STATUTORY PROVISIONS

3. Section 4520 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et seq.)

4. Code section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 4545, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 4521 states, in pertinent part:

The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

(a) Unprofessional conduct, which includes but is not limited to any of the following:

(5) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(6) Be convicted of a criminal offense involving the falsification of records concerning prescription, possession, or consumption of any of the substances described in paragraphs (4) and (5), in which event the record of the conviction is conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

6. Code section 4523 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a psychiatric technician is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked or may decline to issue a license, when the time for appeal has lapsed, or the judgment or conviction

has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

### **COST RECOVERY**

7. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Criminal Convictions)**

8. Respondent is subject to disciplinary action pursuant to Code section 4521, subdivision (f), in that Respondent has been convicted of the following crimes that are substantially related to the qualifications, functions, and duties of a licensed psychiatric technician:

a. On or about October 13, 1993, in the Superior Court, County of Tulare, Juvenile Court, Tulare, California, in the matter entitled *People vs. Vincent Moreno Alcantar*, 1993, Case No. 37654, Respondent was convicted by the court following his admissions to a violation of Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor and Vehicle Code section 12500 (unlawfully drive a vehicle without a valid driver's license), a misdemeanor. The circumstances of the crime are that on or about August 8, 1993, Respondent, who was a minor at the time, was arrested for driving under the influence of alcohol. Respondent's blood alcohol measured .15%.

b. On or about November 17, 1995, in the Tulare County Municipal Court District, Porterville Division, Porterville, California, in the matter entitled *People vs. Vincent Alcantar*, 1995, Case No. PCR-079511-A, Respondent was convicted by the court following his plea of guilty to a violation of Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol), a misdemeanor. The circumstances of the crime are that on or about October 12,

1 1995, following a traffic stop, Respondent was arrested for driving under the influence of alcohol.  
2 Respondent's blood alcohol measured .12% each time for two separate tests.

3 c. On or about October 4, 1996, in the Tulare County Municipal Court District,  
4 Porterville Division, Porterville, California, in the matter entitled *People vs. Vincent Alcantar*,  
5 1996, Case No. PCR-082463-A, Respondent was convicted by the court following his plea of  
6 guilty to a violation of Vehicle Code section 14601.2, subdivision (a) (driving with a suspended  
7 license for a prior DUI conviction), a misdemeanor. The circumstances of the crime are that on  
8 or about June 8, 1996, Respondent was cited for speeding and driving with a suspended license.

9 d. On or about March 14, 1997, in the Tulare County Municipal Court District,  
10 Porterville Division, Porterville, California, in the matter entitled *People vs. Vincent Alcantar*,  
11 1997, Case No. PCR-085735-A, Respondent was convicted by the court following his plea of  
12 guilty to a violation of Vehicle Code section 14601.2, subdivision (a) (driving with a suspended  
13 license for a prior DUI conviction), a misdemeanor. The circumstances of the crime are that on  
14 or about February 7, 1997, Respondent was cited for driving with a suspended license.

15 e. On or about July 17, 1998, in the Tulare County Municipal Court District, Porterville  
16 Division, Porterville, California, in the matter entitled *People vs. Vincent Alcantar*, 1998, Case  
17 No. PCR-091276-A, Respondent was convicted by the court following his plea of guilty to a  
18 violation of Vehicle Code section 12500, subdivision (a) (driving without a valid driver's  
19 license), a misdemeanor. The circumstances of the crime are that on or about April 16, 1998,  
20 Respondent was cited for driving with a suspended license.

21 f. On or about July 17, 1998, in the Tulare County Municipal Court District, Porterville  
22 Division, Porterville, California, in the matter entitled *People vs. Vincent Alcantar*, 1998, Case  
23 No. PCR-091720-A, Respondent was convicted by the court following his plea of guilty to a  
24 violation of Vehicle Code section 12500, subdivision (a) (driving without a valid driver's  
25 license), a misdemeanor. The circumstances of the crime are that on or about April 17, 1998,  
26 Respondent was cited for driving with a suspended license.

27 g. On or about September 21, 1998, in the Tulare County Superior Court, Tulare,  
28 California, in the matter entitled *People vs. Vincent Alcantar*, 1998, Case No. CR-TR-98-

0058424-001, Respondent was convicted by the court following his plea of nolo contendere to a violation of Vehicle Code section 14601.2, subdivision (a) (driving with a suspended license for a prior DUI conviction), a misdemeanor.

h. On or about June 18, 2001, in the Tulare County Superior Court, Porterville Division, Porterville, California, in the matter entitled *People vs. Vincent Alcantar*, 2001, Case No. CR-TR-01-0075516-1, Respondent was convicted by the court following his plea of guilty to a violation of Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor with a special allegation of DUI priors pursuant to Vehicle Code section 23190, and a violation of Vehicle Code section 24400 (headlamp violation), an infraction. The circumstances of the crime are that on or about May 18, 2001, Respondent was arrested for driving under the influence of alcohol, following a routine traffic stop. Respondent's blood alcohol measured .23% and .22%.

i. On or about October 2, 2001, in the Tulare County Superior Court, Porterville Division, Porterville, California, in the matter entitled *People vs. Vincent Alcantar*, 2001, Case No. CR-TR-01-0080192-1, Respondent was convicted by the court following his plea of nolo contendere to a violation of Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor with a special allegation of DUI priors pursuant to Vehicle Code section 23190, and a violation of Vehicle Code section 14601.2, subdivision (a) (driving with a suspended driver's license for prior DUI convictions), a misdemeanor with a special allegation of prior convictions of Vehicle Code section 14601.2, subdivision (a). The circumstances of the crime are that on or about August 22, 2001, Respondent was arrested for driving under the influence of alcohol, following an investigative traffic stop. Respondent's blood alcohol measured .21%.

j. On or about June 19, 2007, in the Superior Court, Tulare County, Porterville Division, Porterville, California, in the matter entitled *People vs. Vincent Moreno Alcantar*, 2007, Case No. PCF180489, Respondent was convicted by the court following his plea of nolo contendere to a violation of Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of .08% or more and causing injury pursuant to section 23566, subdivision (a)

priors), a felony with a special allegation for a blood alcohol level over 0.15% within the meaning of Vehicle Code section 23578 and a special allegation for great bodily injury pursuant to Penal Code section 12022.7, subdivision (a) and causing the above offense to become a serious felony within the meaning of Penal Code section 1192.7, subdivision (c)(8)). The circumstances of the crime are that on or about December 29, 2006, Respondent was arrested for driving under the influence of alcohol after causing a traffic accident that resulted in injuries to another driver. Respondent's blood alcohol measured .24% and .22%. As a result of this conviction, for a period of three (3) years, Respondent was required to have an ignition interlock device installed on all vehicles he owned.

## **SECOND CAUSE FOR DISCIPLINE**

### **(Criminal Convictions Involving Alcohol)**

9. Respondent is subject to disciplinary action pursuant to Code section 4521, subdivision (a)(6), on the grounds of unprofessional conduct, in that Respondent has been convicted of crimes involving the consumption of alcohol, as more particularly set forth in paragraph 8, subparagraphs a, h, i, and j, above.

## **THIRD CAUSE FOR DISCIPLINE**

### **(Use Alcohol to an Extent or in a Manner Dangerous or Injurious to Himself)**

10. Respondent is subject to disciplinary action pursuant to Code section 4521, subdivision (a)(5), on the grounds of unprofessional conduct, in that on or about October 12, 1995, May 18, 2001, August 22, 2001, and December 29, 2006, Respondent used alcohol to an extent or in a manner dangerous or injurious to himself, as more particularly set forth in paragraph 8, subparagraphs a, h, i, and j, above.

## **PRAYER**


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Psychiatric Technician License Number PT 29504, issued to Vincent Alcantar;

1           2.     Ordering Vincent Alcantar to pay the Board of Vocational Nursing and Psychiatric  
2     Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to  
3     Business and Professions Code section 125.3; and,

4           3.     Taking such other and further action as deemed necessary and proper.  
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7     DATED: May 18, 2011  
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TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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